

REMARKS

The Examiner required restriction of one of the following inventions:

Group I. Claims 1-15, drawn to a press.

Group II. Claims 16-18, drawn to a method.

The Examiner is also requiring Applicants to elect a single species from each of the following groups for examination:

Group A

Species A1: wherein the cylindrical element is a force absorbing body, claims 1, 3, 4, 6-14, and 17

Species A2: wherein the cylindrical element is a liner, claims 5 and 18.

Group B

Species B1: wherein the prestressing device is at least one of a wire-shaped and band-shaped, claim 6.

Species B2: wherein the prestressing device is cylindrical and shrunk on the outer envelope surface, claim 7.

Group C

Species C1: wherein the cross-sectional area of the tunnel-like passage is dimensioned to conduct a pressure medium flow essentially equal to or larger than the flow of pressure medium supplied into the pressure chamber by a pumping device, claim 8.

Species C2: wherein the cross-sectional area of the tunnel-like passage is dimensioned to conduct a pressure medium flow lower than the flow of pressure medium supplied into the pressure chamber by a pumping device, claim 9.

Group D

Species D1: wherein at least two tunnel like passages run parallel with each other, claim 12.

Species D2: wherein the at least tunnel like passages intersect each other, claims 13 and 14.

In response to the Examiner's Restriction Requirement and Election of Species, Applicants elect, with traverse, to prosecute **Group I** and **Species AI, B1, C1, and D1**, including at least claims 1, 3, 4, 6-15, and 17. Further, at least claims 1 and 2 are generic to all of the identified species. Applicants further respectfully request rejoinder of non-elected claims if the elected claims are allowed.

In addition, Applicants specifically reserves the right to file divisional application(s) directed to the non-elected claims.

LACK OF UNITY OF INVENTION HAS NOT BEEN DEMONSTRATED

Applicant respectfully asserts that the Restriction Requirement is improper as it does not comply with the rules of practice for PCT National stage applications, because the appropriate unity of invention standards have not been properly applied. In PCT National Stage Applications, the Examiner may issue a restriction type requirement if no unity of invention exists. However, the Examiner must state why there is no "single general inventive concept." (see M.P.E.P. §1893.03(d)). Thus, a single Application may include one invention or more than one invention if the inventions are "linked as to form a single general inventive concept." Id. If multiple inventions are included in the application, they are deemed to be linked if there exists a "technical relationship among the inventions that involve at least one common or corresponding special technical feature." Id.

In restricting the present claims, the Examiner alleges that the Groups of claims do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, "they lack the same or corresponding special technical features for the following reasons: The common technical feature shared between

Groups do not make a contribution over the prior [art] and thus said common technical features do not qualify as special technical features.” Thus, the Examiner fails to identify what is considered to be the special technical feature and also fails to disclose why such a feature does not make a contribution over the prior art (Applicants’ also note that no art is cited).

Thus, although the Examiner recognizes that the present application requires the application of the rules regarding Unity of Invention practice, the Examiner appears to apply the U.S. rules of restriction practice under MPEP §806.05 to restrict method and device claims rather than under Unity of Invention.

Finally, according to the rules of Unity of Invention, an international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn to one of the following combinations of categories:

- 1- a product and a process specially adapted for the manufacture of the product; or
- 2- a product and process for use of the product; or
- 3- a product, a process specially adapted for the manufacture of the product and the use of the product; or
- 4- a process and an apparatus or means specially designed for carrying out the process; or
- 5- a product, a process specially adapted for the manufacture of the product, and an apparatus or means specifically designed for carrying out the process.

As the alleged groups of claims relate to at least one of the aforementioned

categories, specifically defined as having unity of invention, the restriction of the claims is incorrect and should be withdrawn (see 37 C.F.R. §1.475(b)).

For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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